



Atlanta Community Court — Accountability Counts

The Atlanta Community Court, established by Atlanta Municipal Court Chief Judge Barbara A. Harris and Judge William F. Riley, deals with offenders who commit quality of life crimes such as prostitution, disorderly conduct, or minor drug offenses. Operating since March 2000, the court employs the principle of restorative justice, meaning that offenders are held accountable to the community that they have harmed.

Judge Bill Riley who presides over Community Court



says that, "Community service is a top priority with the court." He hands down alternative sentences that are both visible and compensatory. Last year, the court supervised offenders who completed over 16,000 community service hours in 28 communities within Atlanta.

In addition to accountability, the Atlanta Community Court places strong importance on rehabilitation of offenders. As Judge Riley puts it, "traditional sentences may punish offenders, but do not address underlying problems the individuals may have."

continued on pg 7

Girl Force in the Courts

The Council of Superior Court Judges coordinated "Girl Force in the Courts" for Take Your Daughter to Work Day, April 26, 2001. Girls from Cook Elementary School in Atlanta, from the organization "Cool Girls," as well as the daughters of judicial branch employees were treated to a day of fun focused on learning about the courts.

Judges Yvette Miller and Anne Barnes of the Court of Appeals of Georgia welcomed the assembled

students in the Supreme Court Courtroom. The girls were each assigned to a court employee as their mentor/hostess for the day. They spent the morning with their mentors at offices and courts adjacent to Capitol Hill. In the afternoon they participated in group mock trial activities. Chief Justice Robert Benham, Justice Leah Sears, and Justice Carol Hunstein also stopped by to welcome the girls.

See **page 7** for photos of the big event. ☺

INSIDE **2001** LEGISLATIVE REPORT

- People, Places & Events pg 2
- Directory Update Checklist pg 2
- **Legislative Report** pg 3
- Veto Message pg 6
- 1998 Supreme Court Filings
& Dispositions pg 6
- Girl Force Photos pg 7
- Law Day 2001 pg 8

People, Places and Events ...

EN BANC

✱ The justices of the Supreme Court of Georgia recently elected **Presiding Justice Norman S. Fletcher** to serve as the 27th Chief Justice beginning July 1, 2001. **Justice Leah Sears** was elected as the new Presiding Justice.

Chief Justice Robert Benham will continue as a justice on the Supreme Court, after serving 6 years as the Chief Justice.

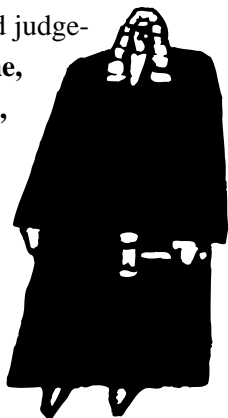
APPOINTMENTS

✱ **Judge Jackson Harris** of Canton and **Dwayne H. Gillis** of Douglas have been named to the bench of the Superior Courts of the Blue Ridge Circuit and Waycross Circuit, respectively. Gov. Barnes announced his choices in late April. Judge Harris now serves as chief juvenile court judge in Cherokee County. Mr. Gillis practices law in Douglas.

Swearing in ceremonies for the new judges were held at 3:30 p.m. on May 31, 2001 in the Governor's office.

✱ Newly created judge-ships for the **Rome, Atlanta, Augusta, and Gwinnett Judicial Circuits** became official

on April 27, 2001 when Governor Barnes signed House Bill 450. The Judicial



Nominating Commission will take applications for the Rome Circuit judgeship this summer. The other three judgeships are to be appointed for terms beginning January 1, 2001 and ending December 31, 2002.

OF NOTE

✱ **Holly K.O. Sparrow**, Assistant Director for Research at the Administrative Office of the Courts, was named a Fellow of the Institute for Court Management at a ceremony held at the Supreme Court in Washington, D.C. recently. Justice Sandra Day O'Connor was on hand to congratulate the new Fellows.

RESIGNATION

✱ State Court **Judge James M. Pace** of Decatur County has resigned his position effective May 8, 2001. Judge Pace has served as state court judge for 19 years. Governor Barnes will appoint a successor to fill out the remainder of the judge's term.

RETIREMENT

✱ **Donald C. Forbes**, Director of the Georgia Courts Automation Commission since 1993, retired on May 25, 2001. Mr. Forbes has worked successfully with many judges and court administrators during his tenure and has contributed greatly to the Georgia courts and the effort to improve court operations through technology.

It's Directory Update Time Again!

It's time once again to update the Georgia Courts Directory. To provide accurate and complete information, your help is needed. Postcards are being sent out to verify that information we have is correct.

Checklist for Directory Postcards

- Watch for your postcard in the mail;
- Affix the removeable mailing label to the postage paid return card;
- Mark any corrections, including phone and fax numbers. If you want your E-mail address to appear in the directory, a line is provided;
- Return the postcard by June 22.
- If you do not receive a postcard, call Ashley Stollar at 404-656-6783.

continued on pg 5

2001 Session Final*

Legislative Report

General Bills • Criminal Law and Procedure • Traffic Law • Superior Courts
Superior Court Clerks • State Courts • Juvenile Courts • Probate Courts • Magistrate Courts

General Bills

HB 174 FY2001 Supplemental Appropriations

Provides judicial branch appropriations as follows: Supreme Court, \$7,069,074; Court of Appeals, \$10,593,148; Superior Courts, \$82,229,008; Juvenile Courts, \$1,383,075; ICJE, \$1,161,187; Judicial Council, \$9,907,832; Judicial Qualifications Commission, \$246,262; Indigent Defense Council, \$5,821,227; Courts Automation Commission, \$2,802,982. Signed 4/26/01; effective 4/26/01

HB 175 FY2002 General Appropriations

Provides judicial branch appropriations as follows: Supreme Court, \$7,382,486; Court of Appeals, \$11,143,760; Superior Courts, \$92,753,283; Juvenile Courts, \$1,424,347; ICJE, \$1,133,843; Judicial Council, \$12,615,386; Judicial Qualifications Commission, \$271,476; Indigent Defense Council, \$6,659,946; Courts Automation Commission, \$2,500,030; Office of Dispute Resolution, \$341,982. Signed 4/26/01; effective 4/26/01

HB 302 County Officers: Minimum Salary

OCGA §§15-6-88, 15-6-89, 15-6-93.1 & others
Establishes the minimum annual salaries for certain county officers including the clerk of superior court, the probate judge, the chief magistrate and magistrates based on a scale according to population of the county served; AS OF January 1, 2002. Signed 4/27/01

HB 478 Unfair Claims Settlement

OCGA §§34-4-6, 33-4-7

Provides that after a finding has been made that a refusal to pay was in bad faith, the insurer will be liable to pay in addition to the loss, not more than fifty per cent of the liability of the insurer for the loss, or \$5,000, whichever is greater; makes provisions on settlement of motor vehicle liability policy claims. Signed 4/26/01

HB 521 Telecommunications: Damages for Theft

OCGA §§46-5-2 and -3

Provides for the computation of civil damages for theft of telecommunication and cable services; provides that statutory damages of not less than \$250, or more than \$10,000, may be assessed for each violation. Signed 4/27/01

HB 569 Service of Judgments

OCGA §§9-11-5, 15-6-21

Specifies that service of judgments is not required if service of other pleadings or motions has been waived; failure of a party to file pleadings in an action will be deemed a waiver of all notices; applies to judgments or decisions entered on and after July 1, 2001. Signed 4/27/01

HB 686 Child Advocate: Powers

OCGA §15-11-174

Provides that if a subpoena is issued by the Child Advocate for certain law enforcement records, the court shall hold a hearing on any motion to quash within 5 days of the filing of such motion. Signed 4/27/01

HB 737 Frivolous Actions: Costs

OCGA §9-15-14

Provides that any attorney's fees and expenses of litigation awarded for frivolous actions in a prior action between the same parties shall be treated as court costs with regard to the filing of any subsequent action. Signed 4/27/01

HB 810 Applications for Appeal

OCGA §5-6-34

Specifies that the Supreme Court or the Court of Appeals will issue an order granting or denying an appeal within 60 days of the date the application was filed. Signed 3/23/01; effective 3/23/01

SB 13 Private Probation Fees

OCGA §§42-8-30.1; 42-8-100

Removes the statutory limit on probation supervision fees for defendants sentenced in any court having an agreement with a private probation service-provider; provides that county and municipal courts may determine the question of probation for offenders found guilty of certain ordinance violations. Signed 4/27/01

SB 94 Domestic Violence: Court Fees

OCGA §§15-6-77, 15-6-21, 15-10-82

Provides that victims of domestic violence will not be assessed court fees for transactions involving a protective order; also waives magistrate court fees for filing charges against a person accused of stalking. Signed 4/27/01

SB 96 Senior Judges: Qualifications

OCGA §15-1-9.2

Specifies that one or more years of prior service as chairperson of the State Board of Workers' Compensation will be allowable as service required for appointment as a senior judge. Signed 4/27/01

SB 160 Defense of Residence: Use of Force

OCGA §§16-3-21 & -23

Stipulates that a person is justified in the use of deadly force in defense of a residence if the force is used against another person who is not a member of the household and who unlawfully and forcibly enters or has entered the residence. Signed 4/28/01

**(All bills are effective 7/1/01 unless otherwise noted.)*

General (cont)

SB 213 Nonpartisan Primaries: Eliminate

OCGA §§15-7-21, 21-2-130, 21-2-132 and others

Provides that nonpartisan elections for county and state offices will be held in conjunction with the General Primary; creates the 21st Century Voting Commission and authorizes pilot projects to test electronic recording voting systems. Signed 4/18/01; effective 4/18/01

SB 269 Appeals from Magistrate Court

OCGA §5-3-30
Provides that in cases on appeal from the magistrate court to the superior or state court, the \$15,000 limit imposed on magistrate courts will no longer apply to any verdict and judgment entered. Signed 4/28/01

Criminal

HB 289 Disabled Adults: Exploitation

OCGA §30-5-8
Increases the penalty for abuse, neglect, and exploitation of disabled adults or elder persons from a misdemeanor to a misdemeanor of a high and aggravated nature. Signed 4/20/01; effective 4/20/01

HB 292 Warrant Applications

OCGA §17-5-21.1
Allows judges to conduct applications for the issuance of search warrants by video conference; provides procedures. Signed 4/18/01

HB 657 Georgia RICO Act

OCGA §16-14-3
Specifies that the term "pattern of racketeering activity" refers to at least two acts in furtherance of one or more incidents, schemes or transactions. Signed 4/27/01

SB 22 Evidence Tampering

OCGA §16-10-94
Creates the felony offense of tampering with evidence involving the prosecution or defense of a felony or a serious violent felony and involving another person. Signed 4/27/01

SB 33 Child Prostitution: Penalties

OCGA §§16-6-9, -13, -14 and -15
Provides that pimping involves solicitation of a person under 18, rather than 17 and increases penalty for those convicted to include imprisonment for not less than 5 years or more than 20 years; increases penalty for solicitation of sodomy involving a person under 18 to include a fine and imprisonment. Signed 3/27/01; effective 3/27/01

SB 34 2001 Crime Prevention Act

OCGA §§16-10-52, 16-6-13, 17-10-1
Increases penalty for the offense of escape; provides for motor vehicle forfeiture for a person convicted of pimping a person under the age of 18; clarifies powers of sentencing judge as to revocation of probation and other probation supervision matters. Signed 3/27/01

SB 57 Family Violence & Stalking Protective Order Registry

OCGA §§19-13-50 through -56
Creates a registry of court protective orders as a centralized database to be maintained by GCIC and linked to the National Crime Information Center Network; access to the registry is intended to aid law enforcement officers, prosecuting attorneys and the courts in the enforcement of protective orders. Signed 3/30/01

SB 66 Sex Offenders: Registration

OCGA §§42-1-2, 42-8-62
Requires registration for offenders convicted of, or pleading guilty or nolo contendere to certain designated offenses against a minor. Signed 4/27/01

SB 207 Defacement of Monuments

OCGA §16-7-21
Provides criminal penalties for any person who intentionally defaces, mutilates or defiles any grave marker, monument or memorial to a deceased person who served in the military of the U.S. or the Confederate States. Signed 4/28/01

SB 270 Setting of Bond

OCGA §17-10-1
Authorizes state court and magistrate court judges to set bond for a parolee or probationer who is charged with certain new offenses; clarifies that DOC has authority over misdemeanor offenders transferred from out-of-state. Signed 4/27/01

Traffic

HB 385 Teen Driving: Restrict

OCGA §§40-5-7, 40-5-55, 40-5-57, 40-6-253 and others
Highway safety reforms: lowers legal blood alcohol level to .08 in DUI cases, expands open container law to include passengers, creates crime of aggressive driving, increases jail time for repeat DUI offender; creates the Young Driver and DUI Study Commission. Signed 4/16/01

SB 1 Young Drivers: Restrictions

OCGA §§40-5-22, 40-5-24, 40-5-21, 40-5-57.1 and others
Requires 40 hours of driving instruction and on-road driver's test; prohibits passengers except family members for 16-year-olds during the first six months they are licensed; sets a no exceptions curfew from midnight to 6:00 a.m. for 16 and 17 year olds. Signed 4/27/01

Superior Courts

HB 330 Fulton Family Court

OCGA §§15-11A-2, -3 and -7
Extends the pilot project authorization of the Family Court Division of the Superior Court of Fulton County until July 1, 2004; authorizes the chief judge to designate one or more judges of the superior court to sit as judges of the Family Court Division. Signed 4/20/01

HB 450 Superior Court Judgeships

OCGA §15-6-2
Creates an eighth superior court judgeship for the Augusta Judicial Circuit; an eighth superior court judgeship for the Gwinnett Judicial Circuit; a fourth superior court judgeship for the Rome Judicial Circuit and a nineteenth superior court judgeship for the Atlanta Judicial Circuit. New judges to be appointed by the governor for terms beginning January 1, 2002 and ending December 31, 2002, except the judge for the Rome circuit will be appointed within 30 days of the date of signing. Signed 4/27/01; effective 4/27/01

Superior Courts (cont)

SB 118 Uniform Child Custody

OCGA §§19-9-40 to 19-9-104

Repeals the Uniform Child Custody Jurisdiction Act and enacts the Uniform Child Custody Jurisdiction Enforcement Act governing certain interstate child custody determinations. Signed 4/7/01

Superior Court Clerks

SB 50 Record of Proceedings

OCGA §§15-6-61,15-6-62.1

Authorizes the clerk of superior court to maintain civil and criminal records in digital format and to maintain back-up records; provides for electronic collection and transmission of data to the Superior Court Clerks' Cooperative Authority and the Council of Superior Court Clerks and for retransmission to GCIC and the Georgia Courts Automation Commission. Signed 4/27/01

Juvenile Courts

HB 201 Alternatives to Detention

OCGA §15-11-66

Provides that a delinquent child may participate in a "court-approved treatment program provided by the Department of Juvenile Justice or the juvenile court" as an alternative to detention in a Youth Development Center. Signed 4/26/01

SB 60 Child Fatality Review Panel

OCGA §§19-15-1 to -6

Establishes the Georgia Child Fatality Review Panel to oversee the local child fatality review process; revises procedures of local Child Abuse Protocol Committees; provides for reporting periods, etc. Signed 4/28/01

Probate Courts

HB 541 Probate Court: Costs and Fees

OCGA §15-9-60

Revises the schedule of costs and fees charged for transactions in the probate courts. Signed 4/27/01

Municipal Courts

SB 147 Municipal Court Sessions

OCGA §36-32-12

Provides that sessions of municipal court can be held outside the municipality, if held within the county in which the municipality is located. Signed 4/27/01; effective 4/27/01

Vetoed

HB 658 Local Custody: Petition to Transfer

OCGA §42-5-50

Specifies that after a convicted person has remained in local custody for 90 days and after a request for local custody has been filed, the sheriff may petition for a hearing to determine if the person should be transferred to the Department of Corrections. Veto #6; 4/27/01

VETO NUMBER 6

Management of county jails and the state's penal institutions traditionally has been vested in, respectively, the locally elected sheriff and the Department of Corrections. Chapters 2 and 4 of Title 42 of the Official Code of Georgia Annotated comprehensively enumerate the duties of the Board of Corrections and the local sheriffs in this regard. House Bill 658 allows routine judicial intervention into the management of the county jails and the prison system. This bill would permit, in effect, the substitution of the judgment of the courts for that of the sheriffs and the Department of Corrections, on a case-by-case basis, as to the appropriate level and distribution of prisoner populations. While I acknowledge the role of the courts in addressing jail and prison management in extraordinary situations, such as alleged constitutional violations, I do not believe that it is necessary or appropriate to vest the power to determine the transfer of individual prisoners in the courts in the manner set forth in this legislation. Therefore, I VETO House Bill 658.

Court Reporter Fee Schedule Changes

Please note that the per diem, take-down and page rates changed April 1, 2001, as follows:

Per diem

\$162.90 for 8 hours

\$182.43 to 9 hrs.

maximum of \$195.48/day

Page rates \$3.25 for Orig. +
2 copies

Daily \$6.50 for Orig.

Expedited \$4.88 for Orig.

Copies \$1.30 per page

Civil Takedown
\$37.13 per hour

Contact Leslie Johnson, 404-651-8707, at the Administrative Office of the Courts for more detailed information.

People, Places continued

GEORGIA CHILD SUPPORT COMMISSION

✳ **Judge Stephen Franzen** of the Gwinnett County Juvenile Court was sworn in as a member of the state Child Support Commission in early May. The 21-member commission reviews economic data on the cost of raising children to ensure that current child support guidelines result in fair and appropriate support awards.

JUDICIAL QUALIFICATIONS COMMISSION

✳ Gov. Barnes has named **Newnan Times-Herald** Vice President **Marianne Thomasson** and **Community Newspapers' W.H. NeSmith** to the Judicial Qualifications Commission.

*(All bills are effective 7/1/01 unless otherwise noted.)

Please Note...

Figures for 1998 Supreme Court Filings and Dispositions were incomplete in the April 2001 edition of the Research Review published by the AOC. Please note new information in the shaded categories.

Supreme Court Filings 1998 & 1999

<u>Filed</u>	<u>1998</u>	<u>1999</u>
Direct Appeals	500 ^a	509 ^b
Petitions for Certiorari	611	540
Applications for Appeal		
Habeas Corpus	338	324
Discretionary	205	201
Interlocutory	46	31
Interim Review (death penalty)	8	4
Attorney Disciplinaries	161	179
Original Petitions/Motions	10	7
Certified Questions	2	4
Bar Admissions	8	13
Judicial Qualifications	2	1
Emergency Motions	16	15
Total	1,907	1,828

Footnotes

^aIncludes 12 cross appeals and 1 granted application for interim review.

^bIncludes 13 cross appeals and 1 granted application for interim review.

**"Your Guide to the
Georgia Courts" Brochure
is Available!**

**Call
404-656-5171
to Request Copies**

Supreme Court Dispositions 1998 & 1999

<u>Disposed</u>	<u>1998</u>	<u>1999</u>
By Opinion	394	402 ^a
Affirmed without Opinion (Rule 59)	11	5
Stricken from Docket	17	4
Allowed Withdrawn	24	23
Transferred to Court of Appeals	96	92
Appeals Dismissed	88	99
Petition for Certiorari		
Denied	668	514
Granted	50	31
Dismissed	12	31
Withdrawn	4	5
Writ vacated	4	5
Other	20	12
Habeas Corpus		
Denied	357	170
Granted	5	6
Dismissed	2	57
Remanded	3	2
Other	5	0
Discretionary Applications		
Denied	118	117
Granted	25	43 ^b
Dismissed	27	13
Transferred to Court of Appeals	33	17
Other	27	4
Interim Review		
Denied	1	3
Granted	7	1
Remanded	0	0
Interlocutory Applications		
Denied	28	16
Granted	3	5
Dismissed	7	2
Transferred to Court of Appeals	10	6
Other	1	0
Emergency Motions		
Denied	12	8
Granted	2	2
Bar Admissions	1	12
Judicial Qualifications	2	2
Attorney Discipline	181	149
Total	2,245	1,858

Footnotes

^aIn 1999, 379 appeals and 52 granted writs of certiorari were disposed of by 402 written opinions.

^bIncludes 5 applications granted and remanded to the trial court.

Atlanta Community Court continued

Before arraignment proceedings, the jail's Mental Health Unit evaluates offenders and makes sentencing recommendations to Judge Riley. For the 200 cases involving substances abuse last year, Judge Riley diverted seventy percent from incarceration to drug treatment. All of those diverted remained under the Court's supervision.

The Community Court affords mentally ill defendants treatment through collaboration with public and nonprofit service providers. The court projects that in 2001, it will screen and process approximately 400 mental health cases. Judge

Riley foresees establishment of a separate Mental Health Court to properly manage the growing caseload.



Judge Bill Riley (above, center), deals with offenders charged with quality of life crimes.

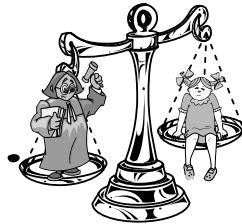
The Community Court has a John's AIDS Awareness Program for men charged with solicitation and a "Women for Women" program, run by the Atlanta Department of Corrections to provide substance abuse counseling for women charged with prostitution. Since 1999, the Women for Women program has graduated 56 participants, 43 of these have not been rearrested.

Judge Riley is also working toward development of the Community Court Information System (CCIS), a data management system, that will aid in offender tracking and evaluation. ♠

Girl Force in the Courts



Computers were a hit!



Lunch at the Garden Room.

Agencies involved in mentoring for "Girl Force in the Courts" included:

- Supreme Court of Georgia
- Court of Appeals
- Administrative Office of the Courts
- Office of Commissions and Programs
- Council of Superior Court Judges
- City of Atlanta Traffic Court
- Fulton County Superior Court
- Fulton County Juvenile Court



Mock Trial in the Supreme Court Courtroom.

Sponsors included:

- Hughes Spalding Children's Hospital
- Hitachi Innovative Solutions Corp.
- Lexis-Nexis
- Atlanta Women's Foundation
- Coca Cola Foundation
- Kroger

Law Day 2001 at Fulton Justice Center

A reception was held in the Fulton County Justice Center Tower atrium on May 1, 2001 in observance of Law Day.

This annual event, sponsored by the American Bar Association, recognizes the freedoms guaranteed to all Americans by the United States Constitution. This year's focus was on how the law protects the "best interest of our children," especially concerning custody issues.

In addition to remarks by Judges Elizabeth Long and Susan Forsling, Mr. George Mundy, President of the State Bar of Georgia, addressed the gathering.



Chief Judge Elizabeth Long, Fulton County Superior Court (left) and Judge Susan Forsling, Fulton County State Court, spoke of the "best interests of our children" at the 2001 Law Day.

A large number of judges attended including: Presiding Justice Norman Fletcher, Supreme Court of

Georgia; Judge John Ruffin, Judge Yvette Miller, Judge Herbert Phipps, and Judge Charles Mikell, all of the Court of Appeals of Georgia; and from the Fulton County Courts: Judge Thelma Wyatt Cummings Moore, Judge Alice Bonner, Judge Philip F. Etheridge, Judge Myra H. Dixon, Judge Henry M. Newkirk, Judge Penny Brown Reynolds, Judge Floyd Propst, Judge Diane F. Bessen, Judge Kimberly Warden, and others. ⚖️

*For Georgia Judicial Branch
Information, Visit
www.georgiacourts.org*



Georgia Courts Journal

Administrative Office of the Courts
244 Washington Street, S.W., Suite 300
Atlanta, GA 30334-5900

PRESORT
STANDARD
U.S. POSTAGE
PAID
ATLANTA, GA
PERMIT #1880

ROBERT BENHAM
Chief Justice

JAY B. MARTIN
Interim Director

BILLIE BOLTON
*Assistant Director,
Communications*

ASHLEY G. STOLLAR
Editor/Graphic Design